

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:
All Cases

MDL NO. 2804

Civ. No. 1:17-md-02804-DAP

HON. JUDGE DAN A. POLSTER

**AMERISOURCEBERGEN DRUG CORPORATION'S SUPPLEMENTAL RESPONSE
IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL AND FOR SANCTIONS
PURSUANT TO THE COURT'S JUNE 17, 2020 ORDER**

AmerisourceBergen Drug Corporation ("ABDC") respectfully files this Supplemental Response in Opposition to Plaintiffs' Motion to Compel and for Sanctions ("Plaintiffs' Motion") (ECF No. 3300), pursuant to the Court's June 17, 2020 Order (ECF No. 3343).

I. RELEVANT PROCEDURAL HISTORY

Plaintiffs filed their Motion on May 21, 2020, identifying 10 documents they believe should have been produced by ABDC during Track One discovery but (they claim) were not produced until later in the litigation. ABDC filed its Opposition on June 4, 2020, explaining why it had complied with the Court's discovery rulings and that Plaintiffs did not meet the legal standard for imposition of sanctions (ECF No. 3322). Plaintiffs filed a Reply on June 11, 2020, identifying 100 additional documents they believe ABDC should have produced during Track One discovery, but (they claim) were not produced until later in the litigation (ECF No. 3332). With the Court's permission, ABDC filed its Sur-Reply on June 17, 2020 (ECF No. 3342).

On June 17, 2020, the Court entered an Order, requiring ABDC to provide the following information for each of the 110 documents identified in Plaintiffs' Motion and Reply: "ABDC shall state: (i) the date the document was created; (ii) the date the document was produced in the

MDL; (iii) the date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s); (iv) whether the document falls within Category One, and if not, why not; (v) why the document was not produced in Track One; (vi) whether the document is in the custodial file of a witness deposited in Track One; and (vii) whether the document included agreed search terms.” Order at 4 (ECF No. 3343).

II. EXECUTIVE SUMMARY

Mindful of the Court’s direction that this Supplemental Response should not include any additional argument, this Executive Summary does not include legal argument. Instead, this Executive Summary serves two important functions. First, it provides the necessary factual background for ABDC’s document-by-document submission that, if it were repeated for each document, would needlessly add to the volume of ABDC’s submission. For example, the history of the privilege rulings in the case and agreements among the parties related to those rulings is relevant, on several documents, to ABDC’s answer to this Court’s question as to why a document was not produced during Track One.

Second, since the information is extremely voluminous, it is not logistically possible to provide the requested information in one combined chart that would be legible or usable. Given this, ABDC instead has provided the requested information on a document-by-document basis. ABDC accordingly submits this Executive Summary to highlight several key factual aspects of the requested information, in aggregate.

A. Search Terms and Time Period for Discovery

ABDC’s analysis of Plaintiffs’ selected list of 110 documents identified 7 documents that did not hit the agreed-upon Track One search terms, and thus were not reviewed or produced

during Track One discovery for that reason.¹ A chart identifying the agreed-upon Track One search terms is attached hereto as Exhibit A.²

ABDC identified 2 additional documents created after the May 29, 2018 discovery cut-off as set forth in ABDC's Responses and Objections to Plaintiffs First Set of Requests for Production of Documents (attached hereto as Exhibit B).³ Plaintiffs did not challenge the May 29, 2018 date, and these 2 documents thus were not produced during Track One discovery.

B. Responsiveness to Plaintiffs' Discovery Requests

Plaintiffs served their First Set of Requests for Production of Documents to ABDC on April 26, 2018 (attached hereto as Exhibit C). ABDC served its Objections and Responses on May 29, 2018 and then supplemented them on November 12, 2018 (attached hereto as Exhibits B & D). Plaintiff also served their (First) Combined Discovery Requests to Distributor Defendants on July 1, 2018 (attached hereto as Exhibit E). ABDC filed Objections and Responses to the Combined Requests on July 31, 2018, and then supplemented them on November 30, 2018 and March 4, 2019 (attached hereto as Exhibits F, G, & H).

Once a request for the production of documents is made, the responding party then may provide responses, interpose objections, and produce documents responsive to the requests subject to the objections and limitations it articulated. Unless the requesting party challenges the objections and limitations, the scope of discovery is defined by the requesting party's requests and the producing party's objections, limitations, and responses. Here, rulings by the Special Master

¹ Plaintiffs' Motion Document Nos. 6, 8; Plaintiffs' Reply Document Nos. 8, 10, 26, 48, 96.

² ABDC has not included the search term for its "customer block," which includes the names and DEA numbers of all ABDC customers in the Track One jurisdictions, both due to confidentiality concerns and because those search terms are not implicated by Plaintiffs' Motion. ABDC can make the "customer block" search term available for *in camera* review at the Court's request.

³ Plaintiffs' Reply Document Nos. 6, 7.

and the Court further defined the scope of discovery. Specifically, in response to disputes about the geographic scope of otherwise responsive material, the Court imposed some additional parameters upon discovery through Discovery Ruling Nos. 2 and 3—the Category One and Category Two definitions, as discussed in ABDC’s Opposition.

ABDC’s analysis of Plaintiffs’ selected list of 110 documents identified 17 documents that were not responsive to Plaintiffs’ Requests for Production, and thus were not produced during Track One discovery.⁴

C. “Category Two” Documents

ABDC’s Opposition provides a comprehensive summary of Discovery Ruling Nos. 2 and 3, and the distinction between “Category One” documents to be produced on a national basis, and “Category Two” documents for which production was limited to the Track One jurisdictions of Summit and Cuyahoga Counties.

ABDC’s analysis of Plaintiffs’ list of 110 documents has identified 6 documents that are Category Two documents that were not produced during Track One discovery pursuant to Discovery Ruling Nos. 2 and 3 because they are unrelated to either Summit or Cuyahoga.⁵

D. Documents Withheld as Privileged

Throughout this litigation, ABDC has reviewed documents for attorney-client privilege, work product privilege, and any other applicable privilege, and then withheld and/or redacted such documents and included them on privilege logs, which were produced to Plaintiffs. The Court and Special Master made several rulings related to privilege, both generally and as related to ABDC specifically, during the course of the litigation. The evolving landscape flowing from the privilege

⁴ Plaintiffs’ Reply Document Nos. 3, 5, 9, 22, 40, 45, 47, 58, 59, 62, 74, 77, 78, 79, 80, 81, 90.

⁵ Plaintiffs’ Motion Document Nos. 1, 3; Plaintiffs’ Reply Document Nos. 32, 33, 34, 84.

rulings resulted in the subsequent production of certain documents initially withheld as privileged during Track One. This includes the following specific circumstances:

First, following the settlement of the Track One case against ABDC, Plaintiffs requested that ABDC (and other defendants) review the documents previously withheld and logged as privileged in Track One, taking into account general principles regarding privilege designations reflected in the Special Master's rulings from Track One. ABDC agreed to conduct such an analysis and, as a result, it unilaterally removed or reduced its privilege claim for numerous documents. These documents then were produced either in their entirety or with redactions.

This process was summarized in email correspondence to Plaintiffs' counsel dated April 30, 2020, in which ABDC's counsel explained that, "[a]s promised, we have re-examined ABDC's privilege log from MDL Track 1 in consideration of, *inter alia*, rulings issued by the Court and the Special Master regarding privilege issues." *See* Apr. 30, 2020 Email from B. Himmel to A. Irpino and P. Robertson (attached hereto as Exhibit I). Counsel for ABDC attached a spreadsheet summarizing the results of ABDC's efforts, whereby ABDC agreed to produce complete or partially redacted versions of documents that it had previously withheld and logged as privileged. *Id.*

Also following settlement, Plaintiffs asserted challenges with respect to specific documents that ABDC had withheld or redacted and logged during Track One. In response to such challenges, ABDC removed or reduced its privilege claim for certain of the challenged documents. These documents too were then then produced either in their entirety or with redactions.

Second, in addition to withholding documents on the basis of attorney-client privilege, ABDC (like other defendants) initially held certain documents related to the distributor trade association (HDA, formerly known as HDMA) on the basis of the common-interest privilege. After receiving further guidance from the Special Master on the scope of the common-interest

privilege, ABDC de-designated and produced certain documents it had initially withheld or redacted and logged as privileged.

Third, and related to both prior points, as document production ramped up in state court litigation around the country, and ABDC undertook the global review discussed in its Opposition (*see* Opposition at 8-9), ABDC's privilege analysis was informed by the general principals regarding privilege reflected in the Court's and Special Master's rulings during Track One. As a result of application of those principals, certain documents that originally were designated as privileged during Track One were not given a privilege designation during ABDC's global state court production.

Each of these foregoing circumstances reflect the good-faith evolution of ABDC's privilege analysis as a result of application of the principles articulated by the Special Master during Track One.

ABDC's analysis of Plaintiffs' list of 110 documents has identified 27 documents (including duplicates and near duplicates, as explained in ABDC's document-by-document analysis) that were initially withheld as privileged and then de-designated as privileged and produced at a later time for the reasons discussed above.⁶

E. Exact Duplicate, Near Duplicate, and Substantially Similar Documents

ABDC's analysis of Plaintiffs' list of 110 documents has identified 23 documents for which an exact duplicate document, a near duplicate document, or a substantially similar document was produced during Track One discovery.⁷

⁶ Plaintiffs' Motion Document Nos. 4, 7; Plaintiffs' Reply Document Nos. 2, 11, 12, 13, 14, 15, 18, 30, 37, 49, 51, 53, 54, 56, 57, 60, 61, 64, 70, 72, 76, 92, 93, 94, 95.

⁷ Plaintiffs' Reply Document Nos. 4, 21, 24, 27, 28, 29, 31, 36, 41, 42, 43, 52, 65, 66, 67, 68, 69, 73, 75, 82, 83, 85, 100.

Exact duplicates—which refer to identical copies of a document—may exist for a number of reasons: because multiple versions of a document exist, or the same document was collected from more than one custodian, or a document was collected more than one time. A near duplicate document most typically refers to a slightly different or more comprehensive version of the same email chain.

The production of an exact duplicate shows that the specific document was, in fact, produced during Track One. The production of duplicate, near duplicate, or substantially similar documents is also relevant to the two primary considerations in assessing a sanctions motion—whether ABDC acted willfully or in bad faith, and whether Plaintiffs have been prejudiced. For example, ABDC has identified instances where the Plaintiffs used a duplicate or near duplicate as an exhibit during a deposition of an ABDC witness, and identified an exact duplicate that was included on ABDC’s Track One Trial Exhibit List.

F. Documents Erroneously Not Produced

As shown above and in the following charts, only a minority of the documents on Plaintiffs’ handpicked list—just 28 documents—with the benefit of hindsight, were erroneously not produced during Track One.⁸ For some of these documents, ABDC has included additional context in its document-by-document analysis. For example, for certain documents context suggests the reviewer may have mistakenly coded the document as a Category Two document, and so forth.

Finally, Plaintiffs have not claimed that the documents they identify in their motion are representative of the hundreds of thousands of documents ABDC has produced in the course of this litigation. Instead, they handpicked the documents presented to the Court. The results of ABDC’s review of Plaintiffs’ self-selected documents do not support Plaintiffs request for sanctions.

⁸ Plaintiffs’ Motion Document Nos. 2, 5, 9, 10; Plaintiffs’ Reply Document Nos. 1, 16, 17, 19, 20, 23, 25, 35, 38, 39, 44, 46, 50, 55, 63, 71, 86, 87, 88, 89, 91, 97, 98, 99.

III. ANALYSIS OF THE 110 DOCUMENTS IDENTIFIED BY PLAINTIFFS**A. 10 Documents Identified in Plaintiffs' Motion (ECF NO. 3300)**

Document 1	
Bates Stamp	ABDCMDL00569571
The date the document was created	4/22/2011
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	No. This document relates legislation pending in the Florida State legislature. This document is outside the scope of Category One and relates to a geographic scope other than the Track One jurisdictions of Summit and Cuyahoga Counties.
Why the document was not produced in Track One	This document is related to Florida, and not related to ABDC's overall diversion control program that is the subject of national Category One discovery or customer specific data that is the subject of Category Two.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 2	
Bates Stamp	ABDCMDL00571243
The date the document was created	2/24/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 3	
Bates Stamp	ABDCMDL00569575
The date the document was created	4/25/2011
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	No. This document relates legislation pending in the Florida State legislature. This document is outside the scope of Category One and relates to a geographic scope other than the Track One jurisdictions of Summit and Cuyahoga Counties.
Why the document was not produced in Track One	This document is related to Florida, and not related to ABDC's overall diversion control program that is the subject of national Category One discovery or customer specific data that is the subject of Category Two.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 4	
Bates Stamp	ABDCMDL00551507 ABDCMDL00551509 [attachment to above document, not cited in Plaintiffs' Motion]
The date the document was created	2/6/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions: 10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this entire document family, which contains a cover email and attachment, was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4287. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 5	
Bates Stamp	ABDCMDL00568921
The date the document was created	8/24/2007
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 6	
Bates Stamp	ABDCMDL00573788
The date the document was created	8/13/2015
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms.
Why the document was not produced in Track One	This document was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Document 7	
Bates Stamp	ABDCMDL00570832
The date the document was created	1/10/2014
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A substantially similar and more substantive version of this email chain, containing the identical January 10, 2014 8:24PM email was withheld as privileged during Track One and logged at ABDCMDL_PRIV_6406. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 8	
Bates Stamp	ABDCMDL00571804
The date the document was created	8/18/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms.
Why the document was not produced in Track One	This document was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Document 9	
Bates Stamp	ABDCMDL00515292 ABDCMDL00515293 [attachment to above document, not cited in Plaintiffs' Motion]
The date the document was created	11/1/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions: 8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 10	
Bates Stamp	ABDCMDL00566109
The date the document was created	10/30/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

B. 100 Documents Identified in Plaintiffs' Reply (ECF NO. 3332)

Document 1	
Bates Stamp	ABDCMDL00570277
The date the document was created	2/13/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	<p>This document was erroneously not produced in Track One. However, upon further investigation this document relates to the onboarding of certain Walgreens stores on an expedited basis for controlled substance purchases. None of those onboarded Walgreens stores were within Summit or Cuyahoga Counties. Accordingly, based on that investigation, this document is actually outside the scope of Category One and relates to a geographic scope other than the Track One jurisdictions of Summit and Cuyahoga Counties.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 2	
Bates Stamp	ABDCMDL05796118
The date the document was created	3/2/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	<p>This email chain was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4297. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.</p> <p>By way of further response, the underlying email from HDMA that begins this thread was produced in Track One at ABDCMDL00362217-218 on November 16, 2018.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 3	
Bates Stamp	ABDCMDL05864639
The date the document was created	9/22/2015
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document does not relate to ABDC's own processes and is instead a solicitation from a third party, IMS Health.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 4	
Bates Stamp	ABDCMDL00569293
The date the document was created	10/20/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A related, more substantive, and more inclusive version of this email chain omitting the October 20, 2017 11:24 AM email was produced in Track One at ABDCMDL00273321 on July 27, 2018, as discussed in ABDC's Sur-Reply at 5 n.4.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 5	
Bates Stamp	ABDCMDL06208729
The date the document was created	10/31/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/10/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to the implementation of policies and procedures at other, unrelated AmerisourceBergen Corporation business units, not ABDC. Though it lists then-current ABDC policies by name and policy number, this list is in reference to implementing those ABDC procedures at other ABC business units. ABDC produced each of the referenced ABDC-related policies in Track One on July 20, 2018 and July 27, 2018 at ABDCMDL00141734, ABDCMDL00141736, ABDCMDL00141742, ABDCMDL00249149, ABDCMDL00249151, ABDCMDL00249154, ABDCMDL00172096, ABDCMDL00172100, ABDCMDL00172112, ABDCMDL00172115, ABDCMDL00172118, ABDCMDL00172120, ABDCMDL00172125, ABDCMDL00172129, and ABDCMDL00172132.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 6 & 7	
Bates Stamp	ABDCMDL06666405 ABDCMDL06666406
The date the document was created	10/10/2018
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/19/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was not produced in Track One because it was created on October 10, 2018, which post-dates the discovery cut-off of May 29, 2018. The discovery cut-off is further discussed in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 8	
Bates Stamp	ABDCMDL05843263
The date the document was created	10/29/2013
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms.
Why the document was not produced in Track One	This document was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Document 9	
Bates Stamp	ABDCMDL05844460
The date the document was created	1/14/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document is a human resources document related to a job posting. Further, while certain personnel files were ordered to be produced in Track One, particularly relating to employee yearly performance reviews and compensation history, job postings were not requested in Track One, nor ordered produced by the Special Master.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 10	
Bates Stamp	ABDCMDL07390208 ABDCMDL07390209 ABDCMDL07390210
The date the document was created	2/16/2009
The date the document was produced in the MDL	5/28/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	4/30/2020 - Cabell County Commission
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms. Additionally, this document family relates to ABDC's onboarding of specific customers from the CPA buying group, none of whom were located in Summit or Cuyahoga Counties.
Why the document was not produced in Track One	This document family was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms. Additionally, this document family relates to ABDC's onboarding of specific customers from the CPA buying group, none of whom were located in Summit or Cuyahoga Counties.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Document 11	
Bates Stamp	ABDCMDL05858088 ABDCMDL05858089
The date the document was created	1/13/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document family was withheld as privileged during Track One and logged at ABDCMDL_PRIV_3558. The document family was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 12	
Bates Stamp	ABDCMDL06597117
The date the document was created	3/2/2016
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/19/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_3859. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 13 & 14	
Bates Stamp	ABDCMDL05864933
The date the document was created	10/27/2015
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	<p>This email and its attachment were withheld as privileged during Track One and logged at ABDCMDL_PRIV_4876. The documents were subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.</p> <p>By way of further response, ABDC produced the underlying October 27, 2015 11:48AM email in Track One at ABDCMDL0290258 on August 31, 2018.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 15	
Bates Stamp	ABDCMDL05845467
The date the document was created	3/23/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this email chain was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4519. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 16	
Bates Stamp	ABDCMDL00568949
The date the document was created	10/17/2008
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes.
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 17	
Bates Stamp	ABDCMDL06535228
The date the document was created	2/22/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/19/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 18	
Bates Stamp	ABDCMDL05860108
The date the document was created	6/24/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this email chain was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4631. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 19	
Bates Stamp	ABDCMDL00568928
The date the document was created	9/24/2015
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 20	
Bates Stamp	ABDCMDL00568794
The date the document was created	6/19/2007
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 21	
Bates Stamp	ABDCMDL00568946
The date the document was created	9/20/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	<p>This is a draft performance evaluation document including drafts of Chris Zimmerman's evaluation of both himself and his direct reports. A substantially similar document was produced in Track One. The content contained in this document related to Mr. Zimmerman was produced in Track One on February 6, 2019 as part of ABDC's production of Chris Zimmerman's personnel file in advance of his second deposition at ABDCMDL00383896. This document also contains a draft outline of what Mr. Zimmerman would say in Steve Mays' performance evaluation of the same year. Mr. Mays' personnel file, including Mr. Zimmerman's review of him was produced in Track One at ABDCMDL00383951 on February 6, 2019 in advance of his second deposition.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 22	
Bates Stamp	ABDCMDL00566401
The date the document was created	5/27/2018
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. Instead, despite a passing reference to ABDC's diversion control program, the document specifically excludes ABDC's diversion control program from discussion and focuses on other, unrelated topics.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 23 & 24	
Bates Stamp	ABDCMDL00568700 ABDCMDL00568701
The date the document was created	1/10/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	Document 23 was erroneously not produced in Track One. A near duplicate of Document 24, the attachment to Document 23, containing identical substantive information and minor formatting changes was produced in Track One at ABDCMDL00268904 on July 27, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 25	
Bates Stamp	ABDCMDL00521255
The date the document was created	8/13/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 26	
Bates Stamp	ABDCMDL00521520
The date the document was created	8/11/2014
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms.
Why the document was not produced in Track One	This document was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Documents 27 & 28	
Bates Stamp	ABDCMDL00542407 ABDCMDL00542409
The date the document was created	2/15/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	Duplicates of this document and its attachment were produced in Track One at ABDCMDL00280794 and ABDCMDL00280798, and at ABDCMDL00280954 and ABDCMDL00280958, all on August 17, 2018. Accordingly, an identical document was produced in Track One, albeit with a different bates stamp.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 29	
Bates Stamp	ABDCMDL00542088
The date the document was created	10/27/2016
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A related, more substantive, and more inclusive version of this document was produced in Track One at ABDCMDL00251751 and ABDCMDL00252345 on July 27, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 30	
Bates Stamp	ABDCMDL00552221 ABDCMDL00552222, ABDCMDL00552223, ABDCMDL00552224 [attachments to above document, not cited in Plaintiffs' Motion]
The date the document was created	11/13/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions: 10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this entire document family, which contains a cover email and three attachments, was withheld as privileged during Track One and logged at ABDCMDL_PRIV_02918. The documents were subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary. By way of further response, duplicates of the three attachments (ABDCMDL00552222, ABDCMDL00552223, and ABDCMDL00552224) were produced in Track One at ABDCMDL00333990, ABDCMDL00333991, and ABDCMDL00333992 on October 26, 2018. Accordingly, identical documents were produced in Track One, albeit with a different bates stamp.
Whether the document is in the custodial file of a witness deposited in Track One	Yes
Whether the document included agreed search terms	Yes

Document 31	
Bates Stamp	ABDCMDL00544779
The date the document was created	10/27/2016
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A related, more substantive, and more inclusive version of this document was produced in Track One at ABDCMDL00251751 and ABDCMDL00252345 on July 27, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 32	
Bates Stamp	ABDCMDL00550144
The date the document was created	1/25/2011
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	<p>No. This document relates to a pharmacy in Detroit, Michigan. This document is outside the scope of Category One and relates to a geographic scope other than the Track One jurisdictions of Summit and Cuyahoga Counties.</p>
Why the document was not produced in Track One	<p>This document was not produced in Track One because it was non-responsive to Plaintiffs' Discovery Requests and is otherwise a Category Two document outside the scope of Track One discovery.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 33	
Bates Stamp	ABDCMDL00549946
The date the document was created	4/9/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	<p>No. This document from 2012 relates to a specific customer (Walgreens) and specific locations (Boston, Chicago, Kansas City, Phoenix, Orlando, and Puerto Rico). ABDC did not service any Walgreens locations in Summit or Cuyahoga Counties in 2012. This document is outside the scope of Category One and relates to a geographic scope other than the Track One jurisdictions of Summit and Cuyahoga Counties.</p>
Why the document was not produced in Track One	<p>This document was not produced in Track One because it was non-responsive to Plaintiffs' Discovery Requests and is otherwise a Category Two document outside the scope of Track One discovery.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 34	
Bates Stamp	ABDCMDL00568712 ABDCMDL00568714 [attachment to above document, not cited in Plaintiffs' Motion]
The date the document was created	5/16/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions: 10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG
Whether the document falls within Category One, and if not, why not	No. This document relates to a pharmacy in Camden, New Jersey and therefore is both non-responsive to Plaintiffs' Discovery Requests and outside the scope of Category One. The attachment to the cover email ("Order Monitoring Program (OMP) Post DC Deployment: A Customer Overview") standing alone would fall within Category One and was produced multiple times in Track One, including, at ABDCMDL00158321 on July 20, 2018.
Why the document was not produced in Track One	This document was not produced in Track One because it was a Category Two document outside the scope of Track One discovery. The attachment to the cover email ("Order Monitoring Program (OMP) Post DC Deployment: A Customer Overview"), standing alone would fall within Category One and was produced multiple times in Track One including, at ABDCMDL00158321 on July 20, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 35	
Bates Stamp	ABDCMDL00554260 ABDCMDL00554261
The date the document was created	5/7/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One. By way of further response, the cover email (ABDCMDL00554260), which was not produced in Track One, is administrative. Further, as to the attachment (ABDCMDL00554261), a substantially similar document was produced in Track One at ABDCMDL00269522 on July 27, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 36	
Bates Stamp	ABDCMDL00551575 ABDCMDL00551576, ABDCMDL00551578 [corrected Bates Stamp for attachments to above document, cited in Plaintiffs' Motion]
The date the document was created	6/14/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions: 10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document includes a non-substantive cover email with no content that attaches two documents (ABDCMDL00551576, ABDCMDL00551578) related to threshold review. A duplicate of the first attachment was produced in Track One at ABDCMDL00000099 on June 1, 2018, and was introduced by Plaintiffs as an exhibit to the deposition of Chris Zimmerman on August 3, 2018. A duplicate of the second attachment was produced in Track One at ABDCMDL00322924 on October 25, 2018. Accordingly, an identical document was produced in Track One, albeit with a different bates stamp.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 37	
Bates Stamp	ABDCMDL00550515
The date the document was created	10/26/2010
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A more inclusive version of this email chain was withheld as privileged during Track One and logged at ABDCMDL_PRIV_02916. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 38	
Bates Stamp	ABDCMDL05783029
The date the document was created	3/15/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One. By way of further response, portions of this chain, including the underlying email from HDMA was produced in Track One at ABDCMDL00283154 and ABDCMDL00283158 on August 23, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 39	
Bates Stamp	ABDCMDL05921938
The date the document was created	10/22/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document is a lesser included thread of Document 55 (ABDCMDL05850621), which was itself erroneously not produced during Track One. By way of further response, the news article discussed in this email chain related to events in Florida and may have been erroneously marked as a Category Two document and deemed non-responsive on that basis.
Whether the document is in the custodial file of a witness deposited in Track One	Yes
Whether the document included agreed search terms	Yes

Document 40	
Bates Stamp	ABDCMDL05784660
The date the document was created	6/27/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to a media inquiry related to the filing of litigation in West Virginia.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 41, 42 & 43	
Bates Stamp	ABDCMDL05778656 ABDCMDL05778657 ABDCMDL05778662
The date the document was created	3/3/2011
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A more inclusive version of this email chain was produced in Track One at ABDCMDL00264738 on July 27, 2018. That more inclusive version included the same two attachments, produced at ABDCMDL00264740 and ABDCMDL00264745, except that two typographical errors in the attachments were corrected using "track changes," as reflected in ABDCMDL00264738.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 44	
Bates Stamp	ABDCMDL00580140
The date the document was created	9/14/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 45	
Bates Stamp	ABDCMDL00570517
The date the document was created	6/22/2016
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to a GAO study described as relating to monitoring of registrant eligibility with a focus on prescribers and healthcare practitioners.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 46	
Bates Stamp	ABDCMDL05781234
The date the document was created	3/6/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 47	
Bates Stamp	ABDCMDL05779938
The date the document was created	2/21/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to an enforcement action against another distributor. To the extent the document does relate to ABDC, it concerns customers outside Summit or Cuyahoga Counties and is therefore a Category Two document outside the scope of Track One discovery.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 48	
Bates Stamp	ABDCMDL05777517
The date the document was created	11/15/2011
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms. Moreover, this document relates to two specific ABDC customers, pharmacies located in Florida.
Why the document was not produced in Track One	This document was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms. Moreover, this document relates to two specific ABDC customers, pharmacies located in Florida.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Document 49	
Bates Stamp	ABDCMDL05796115
The date the document was created	3/2/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A more inclusive version of this email chain was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4296. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary. By way of further response, the underlying March 1, 2012 4:36PM email from HDMA was produced in Track One on November 16, 2018 at ABDCMDL00362217.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 50	
Bates Stamp	ABDCMDL05793926
The date the document was created	6/18/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 51	
Bates Stamp	ABDCMDL05789381 ABDCMDL05789382 [attachment to above document, not cited in Plaintiffs' Motion]
The date the document was created	4/28/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document was withheld as privileged at ABDCMDL_PRIV_5004. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 52	
Bates Stamp	ABDCMDL05791245
The date the document was created	5/29/2007
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document was produced in Track One at ABDCMDL00398316 on March 26, 2019. Accordingly, this document was produced in Track One, albeit with a different bates stamp. Moreover, this document was included in ABDC's Track One trial exhibit list as Exhibit AM-2033.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 53	
Bates Stamp	ABDCMDL05829763
The date the document was created	3/13/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4991. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 54	
Bates Stamp	ABDCMDL05847672
The date the document was created	7/8/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_00644. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 55	
Bates Stamp	ABDCMDL05850621
The date the document was created	10/22/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document, which is a more inclusive thread of Document 39 (ABDCMDL05921938), was erroneously not produced during Track One. By way of further response, the news article discussed in this email chain related to events in Florida and may have been erroneously marked as a Category Two document and deemed non-responsive on that basis.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 56	
Bates Stamp	ABDCMDL05846812
The date the document was created	5/29/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A more inclusive version of this email chain was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4614. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 57	
Bates Stamp	ABDCMDL05829847
The date the document was created	3/14/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A duplicate of this document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4992. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 58	
Bates Stamp	ABDCMDL05819913
The date the document was created	8/5/2015
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document includes a news article about Florida and non-substantive commentary about a blog post that does not relate to ABDC or its diversion control program.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 59	
Bates Stamp	ABDCMDL05797902
The date the document was created	8/17/2011
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to an internal inquiry about a product ABDC does not sell and that is not related to its diversion control program.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 60	
Bates Stamp	ABDCMDL05831172 ABDCMDL05831173
The date the document was created	5/19/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	Duplicates of these documents were withheld as privileged during Track One and logged at ABDCMDL_PRIV_5009 and ABDCMDL_PRIV_5010. The documents were subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 61	
Bates Stamp	ABDCMDL05859392
The date the document was created	4/10/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4549. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 62	
Bates Stamp	ABDCMDL05919654
The date the document was created	8/4/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to a Letter to the Editor from a Pennsylvania newspaper related to events in Pennsylvania and is not responsive to any of Plaintiffs' Requests.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 63	
Bates Stamp	ABDCMDL06171523
The date the document was created	7/26/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/10/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 64	
Bates Stamp	ABDCMDL06209133
The date the document was created	9/28/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/10/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_3994. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 65	
Bates Stamp	ABDCMDL06433723 ABDCMDL06433724
The date the document was created	12/20/2017
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/19/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A near duplicate of this document was produced in Track One at ABDCMDL00169491 and ABDCMDL00169492 on July 20, 2018. The document identified by Plaintiffs is a cover e-mail attaching a draft letter to an individual at Kaiser Permanente. The near duplicate produced by ABDC in Track One is an email attaching the final version of the letter, with the only change being to correct a typo in the recipient's first name.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 66, 67, 68 & 69	
Bates Stamp	ABDCMDL06965500 ABDCMDL06965501 ABDCMDL06965502 ABDCMDL06965505
The date the document was created	10/26/2016
The date the document was produced in the MDL	5/12/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	Not applicable
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This group of documents consist of (a) an e-mail from Sharon Hartman with an attached spreadsheet (B-68 and B-69), and (b) a calendar invite from Sharon Hartman, attaching both her original e-mail and a separate copy of the same spreadsheet (B-66 and B-67). Duplicates of this same collection of documents were produced in Track One at ABDCMDL00366306-ABDCMDL00366311 on December 21, 2018. The Sharon Hartman e-mail (ABDCMDL00366307) and spreadsheets (ABDCMDL00366310 and ABDCMDL00366311) are exact duplicates to documents B-67, B-68 and B-69. The document produced at ABDCMDL00366306 is a near duplicate of B-66. The original calendar invite from Ms. Hartman was produced at ABDCMDL00366306. Document B-66 appears to be a system-generated version of the invite – generated 6 seconds after the original – on which Ms. Hartman was replaced as the sender by “UNKNOWN,” and was instead included as a recipient.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 70	
Bates Stamp	ABDCMDL06964817
The date the document was created	9/9/2011
The date the document was produced in the MDL	5/12/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	Not applicable
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4128. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	No
Whether the document included agreed search terms	Yes

Document 71	
Bates Stamp	ABDCMDL06149436
The date the document was created	2/4/2012
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/10/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 72	
Bates Stamp	ABDCMDL06962871
The date the document was created	5/8/2018
The date the document was produced in the MDL	5/12/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	Not applicable
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_6361. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 73	
Bates Stamp	ABDCMDL06159883
The date the document was created	2/13/2013
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/10/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A more inclusive version of the e-mail string reflected in this document was produced in Track One at ABDCMDL00378483 on January 15, 2019.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 74	
Bates Stamp	ABDCMDL00569405
The date the document was created	10/13/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. The subject of the document is identification of the contact at ABDC for the DEA.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 75	
Bates Stamp	ABDCMDL00569249
The date the document was created	10/31/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A substantially similar copy of this e-mail chain, containing a revised draft of the top e-mail (and sent the same day as the document cited by Plaintiffs) was produced by ABDC in Track One at ABDCMDL00273571 on July 27, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 76	
Bates Stamp	ABDCMDL00569615
The date the document was created	2/14/2011
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	<p>This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4271. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.</p> <p>By way of further response, the underlying February 9, 2011 2:02PM and February 14, 2011 2:08PM emails from HDMA were produced in Track One on July 27, 2018 at ABDCMDL00264576.</p>
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 77, 78, 79, 80 & 81	
Bates Stamp	ABDCMDL00569618 ABDCMDL00569619 ABDCMDL00569620 ABDCMDL00569622 ABDCMDL00569623
The date the document was created	2/15/2011
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions: 10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. The subject matter of the document general discussion of regulatory items that is not related to opioids or the Track One jurisdictions.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 82 & 83	
Bates Stamp	ABDCMDL00569592 ABDCMDL00569593
The date the document was created	12/1/2011
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	Document ABDCMDL00569592 is a non-substantive cover e-mail attaching document ABDCMDL00569593. A duplicate of ABDCMDL00569593 was produced by ABDC in Track One at ABDCMDL00306689 on September 28, 2018. Accordingly, this document was produced in Track One, albeit with a different bates stamp.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 84	
Bates Stamp	ABDCMDL00524989
The date the document was created	4/3/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	No. This document relates to a pharmacy in Columbus, Ohio. This document is outside the scope of Category One and relates to a geographic scope other than the Track One jurisdictions of Summit and Cuyahoga Counties.
Why the document was not produced in Track One	This document was not produced in Track One because it was non-responsive to Plaintiffs' Discovery Requests and is otherwise a Category Two document outside the scope of Track One discovery.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 85	
Bates Stamp	ABDCMDL00544025
The date the document was created	2/27/2014
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A near-duplicate of this document, which contains all of the substantive content of the document at issue, was produced during Track One at ABDCMDL00317475 on October 24, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 86	
Bates Stamp	ABDCMDL00571208
The date the document was created	2/7/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes. A portion of the e-mail chain is within the scope of Category One, but the majority of the e-mail chain relates to issues with a specific Florida customer and therefore would not fall within the scope of Category One.
Why the document was not produced in Track One	This document was erroneously not produced in Track One. By way of further response, this error was likely the result of the subject line relating to a Florida-specific issue, and the fact that almost all of the e-mails in the chain relate to an issue arising in Florida related to a specific Florida customer, and not to any matters related to the Track One geographic region.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 87	
Bates Stamp	ABDCMDL00570215 ABDCMDL00570218 ABDCMDL00570224
The date the document was created	4/24/2013
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 88	
Bates Stamp	ABDCMDL00580120
The date the document was created	8/1/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 89	
Bates Stamp	ABDCMDL05815235
The date the document was created	9/11/2015
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 90	
Bates Stamp	ABDCMDL05788612
The date the document was created	9/15/2015
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Not applicable as the document is not responsive to Track One discovery.
Why the document was not produced in Track One	This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. The document is a DEA press release relating to the decision of the DEA administrator regarding a different distributor and does not address ABDC in any manner.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 91	
Bates Stamp	ABDCMDL00620433
The date the document was created	11/21/2017
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/3/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Documents 92, 93 & 94	
Bates Stamp	ABDCMDL06968414 ABDCMDL06968421 ABDCMDL06968423
The date the document was created	11/4/2017
The date the document was produced in the MDL	5/12/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	Not applicable
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_4010. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 95	
Bates Stamp	ABDCMDL03831797
The date the document was created	1/14/2014
The date the document was produced in the MDL	1/24/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	Not applicable
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was withheld as privileged during Track One and logged at ABDCMDL_PRIV_6406. The document was subsequently de-designated as privileged and/or produced in state court litigation as set forth in the Executive Summary.
Whether the document is in the custodial file of a witness deposited in Track One	Yes
Whether the document included agreed search terms	Yes

Document 96	
Bates Stamp	ABDCMDL00552327 ABDCMDL00552328
The date the document was created	8/7/2012
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>10/9/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA Coordinated Litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Not applicable because this document did not hit on any of the agreed-upon Track One search terms.
Why the document was not produced in Track One	This document was not produced in Track One because it did not hit on any of the agreed-upon Track One search terms.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	No

Document 97	
Bates Stamp	ABDCMDL06273793
The date the document was created	3/21/2013
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/10/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 98	
Bates Stamp	ABDCMDL05788026 ABDCMDL05788028 [attachment to above document, not cited in Plaintiffs' Motion]
The date the document was created	4/3/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 99	
Bates Stamp	ABDCMDL05793857
The date the document was created	1/29/2014
The date the document was produced in the MDL	5/11/2020
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	3/2/2020 - NY AG & NY Coordinated
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	This document was erroneously not produced in Track One.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

Document 100	
Bates Stamp	ABDCMDL00542090
The date the document was created	10/27/2016
The date the document was produced in the MDL	12/12/2019
The date(s) the document was disclosed in other proceeding(s) and identity of the proceeding(s)	<p>This document was produced as part of ABDC's nationwide document review that is not specific to any particular jurisdiction and is being used to respond to broad discovery requests in all pending cases. To date, this document has been produced in the following jurisdictions:</p> <p>8/5/2019 - NY AG & NY Coordinated 10/31/2019 - Tucson Medical Center 11/8/2019 - PA coordinated litigation 11/22/2019 - Mayor & City Council of Baltimore 11/26/2019 - Anne Arundel County 12/3/2019 - Rhode Island AG</p>
Whether the document falls within Category One, and if not, why not	Yes
Why the document was not produced in Track One	A related, more substantive, and more inclusive version of this document was produced in Track One at ABDCMDL00251751 and ABDCMDL00252345 on July 27, 2018.
Whether the document is in the custodial file of a witness deposed in Track One	Yes
Whether the document included agreed search terms	Yes

IV. CONCLUSION

For the reasons set forth above, in ABDC's Opposition Brief, and in ABDC's Sur-Reply, ABDC respectfully requests that Plaintiffs' Motion to Compel and for Sanctions be denied.

Dated: July 1, 2020

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas

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Corporation*

CERTIFICATE OF SERVICE

I hereby certify that, on July 1, 2020, AmerisourceBergen Drug Corporation's Supplemental Response in Further Opposition to Plaintiffs' Motion to Compel and for Sanctions was served on all counsel of record via the CM/ECF system.

/s/ Robert A. Nicholas

Robert A. Nicholas